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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,948	07/19/2002	David William Dew	P. 19496/MAJR	3124

7590

04/15/2004

Jennifer P Yancy  
Jones Tullar & Cooper  
PO Box 2266  
Eads Station  
Arlington, VA 22202

EXAMINER

ANDREWS, MELVYN J

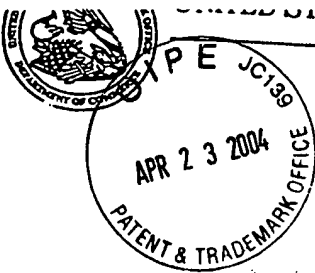
ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

APR 16 2004



## Notice of Non-Compliant Amendment (37 CFR 1.121)

Paper No.

The amendment document filed on 04/07/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Note "Previously added" should read "Previously Presented"

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

R. Gholson  
Legal Instruments Examiner (LIE)

571/272-1011  
Telephone No.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
DEW, et al. ) Atty. Docket No. P.19496/MAJR  
Application No.: 10/069,948 )  
Filed: 07/19/2002 )  
For: RECOVERY OF COPPER FROM COPPER )  
BEARING SULPHIDE MINERALS BY )  
BIOLEACHING WITH CONTROLLED )  
OXYGEN FEED )

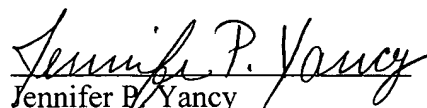
RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Assistant Commissioner of Patents  
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice of Non-Compliant Amendment which was mailed on April 15, 2004 (copy enclosed), we have attached a revised section of the amendments to the claims. The phrase "previously added" has been changed to read "previously presented". No new matter was added. Although no fee is believed due for this filing, in the event that a fee is required, please charge the required fee under 37 C.F.R. 1.17(p) to Deposit Account No. 10-1213,

Respectfully submitted,

  
Jennifer P. Yancy  
Reg. No. 47,003

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April 23, 2004

Attorney Docket No. P.19496/MAJR